S.B. Civil Writ Petition No.5077/2004

Pawan Kumar Gowadiya Vs. State of Raj. & Ors.

Date of Order : 13-12-2004

HON'BLE MR. PRAKASH TATIA,J.

Mr. S.G. Ojha, for the petitioner.
Mr. N.M. Lodha, AAG for the respondents.

Heard learned counsel for the parties.

Brief facts of the case are that the petitioner was elected as the Chairman of the Municipal Board, Sagwara. A notice was issued to the petitioner under Section 63 calling upon the petitioner to show cause why the proceedings under Section 63 may not be initiated against the petitioner on the allegations referred in the notice dated 16.8.2004 Annexure-1. The petitioner submitted reply to the allegations vide Annexure-2. After considering the petitioner's reply, the State Government passed the order under Section 63(4) of the Rajasthan Municipalities Act, 1959 suspending the petitioner, copy of which is placed on record as Annexure-3. The charge was handed over to one Shri Hemant Kumar who is member of Ward No.15 of the Municipal Area, Sagwara.

The petitioner is aggrieved against the suspension order Annexure-3 by which he was suspended.

The respondents submitted reply to the writ petition and submitted that the father of the petitioner Shri Dhanraj had two wives namely Smt. Subhadra Devi and Smt. Pushpa Devi. One application was filed for allotment of land under signature of Subhadra Devi and another application was moved in the name of Pushpa Devi. On the said applications, orders were passed for giving these plots to both these applicants. By this, petitioner in fact passed the order of allotment of land in favour of his own mothers. It is also alleged by the respondent that before the said orders of allotment of the plots in favour of one of the mother of the petitioner Pushpa Devi, she already expired long before said allotment. There are other allegations also against the petitioner which are mentioned in Annexure-1.

In view of the above facts, there appears to be disputed questions of facts involved in this writ petition. The petitioner cannot be entertained to hold any enquiry with respect to the allegations levelled against the petitioner as it is to be done under the Act of 1959.

In view of the above, there is no merit in this writ petition and the same is hereby dismissed. However, the respondents are directed to conclude the enquiry expeditiously.

[PRAKASH TATIA],J.

Praveen